



# Westfield-Washington Township

## Board of Zoning Appeals

August 20, 2007  
7:00 P.M.

Westfield Town Hall  
Assembly Room  
130 Penn Street  
Westfield, IN 46074

### A G E N D A

#### OPENING OF MEETING

- ❖ Note the presence of quorum
- ❖ Approval of Minutes:
  - June 18, 2007

#### OLD BUSINESS

**0707-VS-21**  
PUBLIC HEARING

**20831 Anthony Road, Amy Hittle**

The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B6b), to reduce the side yard setback from 30 feet to 15 feet in the AG-SF1 District.

**0707-VS-22**  
PUBLIC HEARING

**20831 Anthony Road, Amy Hittle**

The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B1), to reduce the setback for stables in the AG-SF1 District.

**0707-VS-23**  
PUBLIC HEARING

**Northwest corner of 146<sup>th</sup> Street and Spring Mill Road, Merrimac Homeowner's Association, Inc.**

The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.08.010, F1), to allow for a subdivision identification sign in a location other than an entrance to the subdivision.



## **NEW BUSINESS**

**0708-VU-003**  
**PUBLIC HEARING**

**546 North Union Street, William & Robbie Webster**

The Appellant is requesting a Variance of Use from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, E1), to allow for a cosmetology salon in the SF-3 District.

**0708-VS-24**  
**PUBLIC HEARING**

**2335 211<sup>th</sup> Street, Drew Colvin**

The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B5), to reduce the minimum road frontage from 250 feet to 130 feet in the AG-SF1 District.

**0708-VS-25**  
**PUBLIC HEARING**

**110 South Union Street, James Anderson**

The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.08.010, D7), to increase the maximum projection of a wall sign into the public right-of-way from 18 inches to approximately six feet (6').



# TOWN OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

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WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION  
BOARD OF ZONING APPEALS  
ZONING ENFORCEMENT  
BUILDING PERMITS

<b>Meeting Date:</b>	August 20, 2007
<b>Docket Number:</b>	0708-VS-025
<b>Appellant:</b>	Jim Anderson on Behalf of Keltie Domina
<b>Property Address:</b>	110 South Union St.
<b>Variance of Standard Request:</b>	<i>WC 16.08.010 D 7</i> Prohibitions-sign to extend more than 18 inches into the right-of-way

### EXHIBITS

1. Staff Report	08/20/2007
2. Aerial Location Map	08/20/2007
3. Property Card	08/20/2007
4. Westfield Directory and Handbook (copy), 1970	08/20/2007
5. Photo of Subject Site	08/20/2007
6. Appellant's Application and Plans	07/16/2007

### RELATED CASES

None

### VARIANCE OF STANDARD REQUEST

This variance of standard request is to extend a sign from a building in the LB-H, Local Business Historical, district (*WC 16.08.010, D 7*) five and one-half (5.5) feet further than the allowed eighteen (18) inches.

### PROPERTY INFORMATION

The subject property is approximately 0.09 acres in size, located in Downtown Westfield. Currently, the building is under renovation for use as a restaurant and bar. The property is zoned LB-H. Renovations have not required Development Plan review. No variances related to the renovation are necessary from the underlying LB-H zoning district for Development Plan review.

### PROPERTY HISTORY

There are no variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.



## **FINDINGS**

*No variance of standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

**Findings:** The sign on the building currently advertises Kever's Hardware. Kever's closed their operation at the Westfield location in December 2006. The sign, on its existing supports, predates Town Building records. Historical photos show the sign on the building as early as 1970 advertising a business that had been at that location since 1959 (Exhibit 4). Given the age of the building, (1890, see Exhibit 4), the age of the sign supports, the age of the electrical wiring, and the distance the sign overhangs the sidewalk, approximately seven (7) feet; there is great potential for the sign to be a danger to the public. Without documented maintenance, inspection of installation, or past sign changes, neither the Town nor the property owner can verify how long the supports will last or if the electrical wiring is safe enough for continued use.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

**Findings:** Providing relief of the eighteen (18) inch standard will not prevent the use of adjacent property. However, adjacent property owners will experience less marketability and decreased visibility should they follow ordinance standards when increasing their signage through the use of compliant projecting signs.

Additionally, variances run with the property not with the property owner or business owner. The Town is currently reviewing plans from an outside consultant that have the end goal of increasing property values and improving the aesthetic appeal of the downtown area. Providing relief to the requested ordinance standards will allow a current nonconforming sign to remain indefinitely while the Town is on the cusp of adopting changes that have the intent of improving the downtown assessed value and character.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

**Findings:** Strict adherence to the zoning ordinance will not result in a practical difficulty or prevent use of the subject property. The ordinance does not prevent signage of the property. It limits signs to approximately one and one-half (1.5) feet by ten and one-half (10.5) feet, (eighteen (18) inches by one hundred twenty six (126) inches) in order to allow all properties visibility through their signage. The building in question has a two-story facade (Exhibit 5). There is no language in the sign ordinance preventing the sign from being raised or otherwise relocated on the building facade making the sign more visible from State Road 32 (Main Street) and Union Street but still keeping within the dimensions set by the ordinance (Exhibit 5).



**NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.**

**ADDITIONAL COMMENT:**

During the review of this case it was brought to the petitioner's attention that a second variance was required for the sign to be used as proposed. The petitioner provided sign measurements to staff on August 6 after the application deadline of July 16. The measurements were immediately reviewed for compliance. The dimensions were verified later that same day by Westfield Public Works because there was a difference between Building records and the information provided by the petitioner. The sign measures four (4) feet by six (6) feet. The ordinance standard for sign area in the Local Business Historical District (LB-H) is sixteen (16) square feet per face (WC 16.08.010 H 1). The petitioner was advised that a second variance was necessary and for purposes of notification, could not appear before the Board of Zoning Appeals until September 20. Staff recommended to the petitioner to continue the initial variance request until September and to present both requests at the same time. This recommendation was provided because the petitioner had indicated several times, in writing and verbally, the desire to replace the existing panels and had not provided renderings that showed the sign conforming to the sign area requirement.

At this time the petitioner is requesting a variance of standard request to extend a sign from a building in the LB-H, Local Business Historical, district (*WC 16.08.010, D 7*) five and one-half (5.5) feet further than the allowed eighteen (18) inches. No information or renderings have been provided to staff for review or inclusion in your packets that show a sign requiring only this variance.

**RECOMMENDED CONDITIONS**

Should the Board approve this variance of standard request, the following conditions would be appropriate:

1. Update and replace all electrical wiring and conduit;
2. Update and replace all supports for the sign;
3. Obtain proper encroachment permits from Westfield Public Works.

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JMM





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new search

**3. view reports**

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

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**Summary Information - Parcel Number: 09-10-06-01-01-033.001****Property Data**

Parcel Location	110 S UNION STREET, WESTFIELD
Taxing Unit	Westfield
Legal Description	WESTFIELD ORIGINAL 47.5 X 83.0
Section/Township/Range	S06 T18 R04
Subdivision Name	WESTFIELD ORIGINAL
Lot and Block	Lot P22 Block
Acres	0
Effective Frontage	48
Effective Depth	83
Property Class	Small Det. Retail (-10000)

**Exterior Features and Out Buildings**

1 General Retail, 1 Industrial Canopy, 1 Loading Dock,

**Property Owner as of April 30, 2007**

Ballantrae Development LLC

**Most Recent Valuation as of March 1, 2006**

Assessed Value: Land	18700
Assessed Value: Improvements	112000
Total Assessed Value:	130700

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1970

**WESTFIELD DIRECTORY**

**and**

**HANDBOOK**



**A Westfield Lions Club Project**

**\$1.50**





### Burgher Hardware.

Henry Burgher bought the present store in 1959 from Hinshaw and Kaiser. Henry is a philosopher and tells how many changes have taken place in Westfield. He is watching at present the growth of the town from a rural to a metropolitan town.

Burgher Hardware is more than a store. Its owner is happy when people drop in "just to chat". In his more serious moments Henry relates the changes in the store through the years. He reminds visitors that the building was built in 1890 and was at first a blacksmith shop, with the two doors opening wide enough to allow the entrance of wagons or carriages. Hardware was gradually added as a product.

The former owners were McKnight who sold it later to Aldent Baker. Baker sold to Oliver New who in turn sold it to Hinshaw and Kaiser.

Burgher moved to Hamilton County in 1937, having lived and attended the Indianapolis schools. He married and is the father of three children. He attended Butler University. He was the first President of the Hamilton County Park and Recreational Board. He is a member of the welfare Board and at one time was chief of the Carmel Fire Dept.

This agreeable host is a believer in the saying of Ruskin that "The most interesting thing in life is Life itself."



Rldy Height +/- 24'

upper story +/- 10'

View includes awning  
overlay on proposed  
sign

Rent (317)  
Building  
Restaur

5354

WELLES

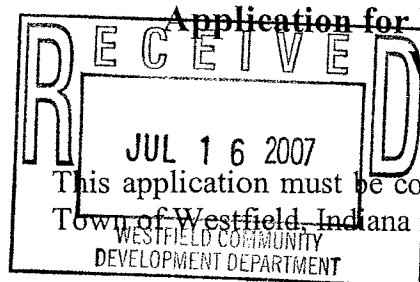
AUG 7 2007



Petition Number:

0708-VI-025

Date of Filing:

07/16/07

## Application for VARIANCE OF DEVELOPMENT STANDARD

Westfield – Washington Township  
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name James J. Anderson  
 Address 301 S. Union Street  
Westfield IN 46074  
 Telephone Number 317. 867. 2880  
 E-Mail Address janderson@theandersoncorporation.com
2. Landowner's Name Ballantrae Development LLC (James Anderson,  
 Address 301 S. Union Street managing member)  
Westfield IN 46074  
 Telephone Number 317. 867. 2880
3. \*Representative Keltie Domina  
 \*Address 102 S. Union Street  
Westfield IN 46074  
 \*Telephone Number 317. 867. 3525  
 \*Email Address info@kelties.com

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
110 S. Union Street (East side of Union Street, 3 blocks  
South of Main Street.
5. Legal description of property (list below or attach)  
see legal description below.
6. Complete description of the nature of the development standard variance applied for:  
WC 16.08.010 d7 sign projection

**LEGAL:**

Part of Lot 22, in the Original Plat of the Town of Westfield, as per plat thereof, recorded in Deed Record D, page 121, in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows: Begin at a point 70.00 feet 9 inches South of the Northwest corner of Lot 22, in the Town of Westfield, run thence South 47.50 feet; thence East 83.00 feet; thence North 47.50 feet; thence West 83.00 feet to the Place of Beginning, including 1/2 of a block wall of a building located on and along the North line of the above description, in Hamilton County, Indiana.



7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- a. Lot(s) shape and dimensions; -47.5' x 83.0'
  - b. Location and dimensions of existing and proposed structures; *See attached aerial photo*
  - c. Location and dimensions of existing and proposed points of ingress and egress; and
  - d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of development standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

This sign structure has existed for many years with no injury to the community. We are seeking approval to replace the panels to reflect the new tenant.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

This sign has existed for many years without adverse effect on the use or value of the area adjacent to the property.

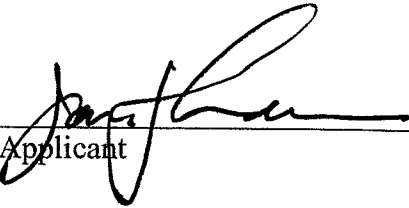
- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

It would be very difficult and dangerous to find Kelties from Highway 32, and it would be very difficult to find the restaurant in some cases on Union Street. See attached photo sheet for examples.




TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

  
Applicant MANAGING MEMBER

SUBSCRIBED AND SWORN TO ME THIS 16 DAY OF JULY, 20 07

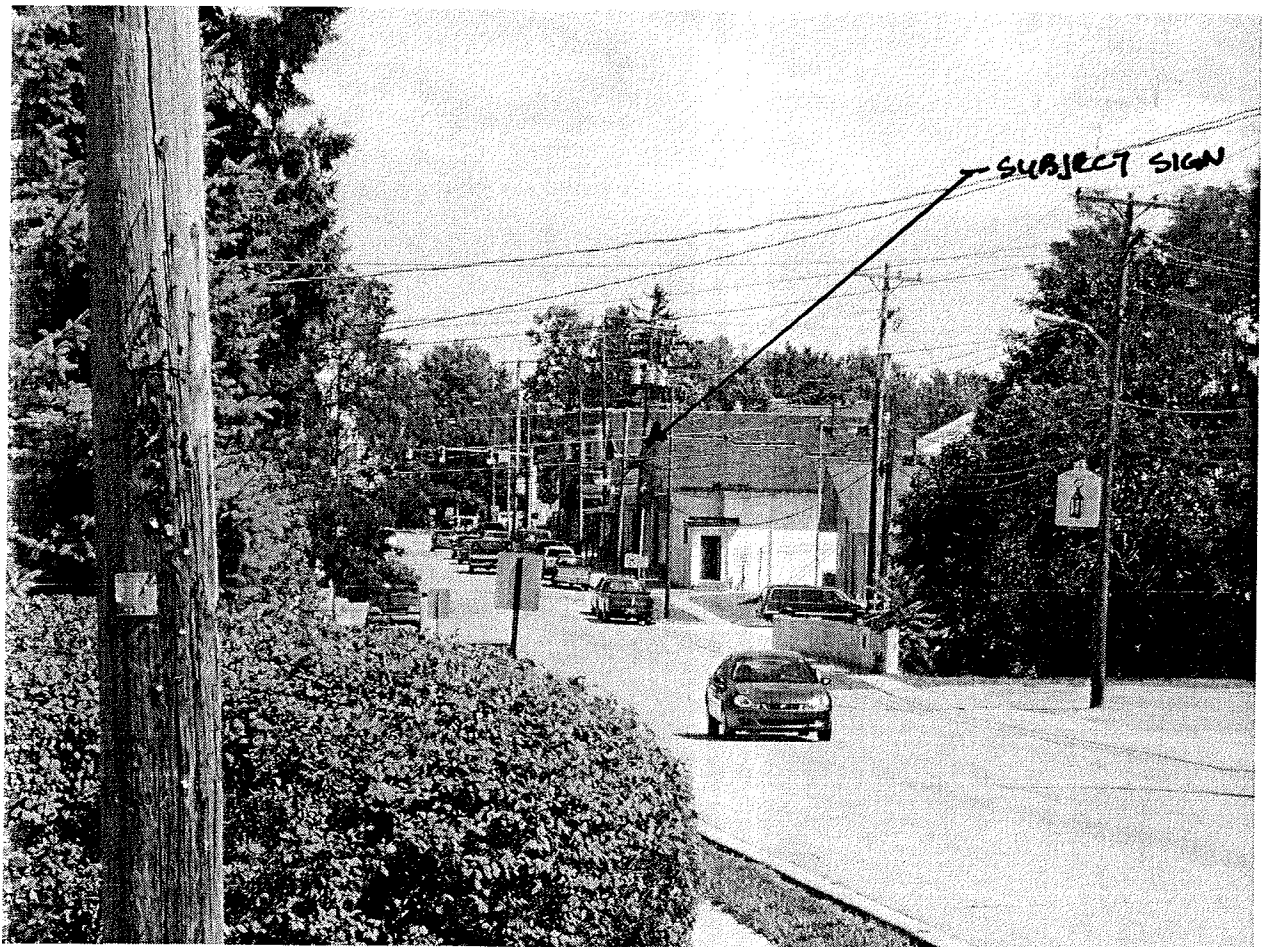
  
Notary Public

My commission expires: 10.18.09





Photo of existing sign and building



East bound vehicle turning left onto Union Street at Park Avenue would have this view.



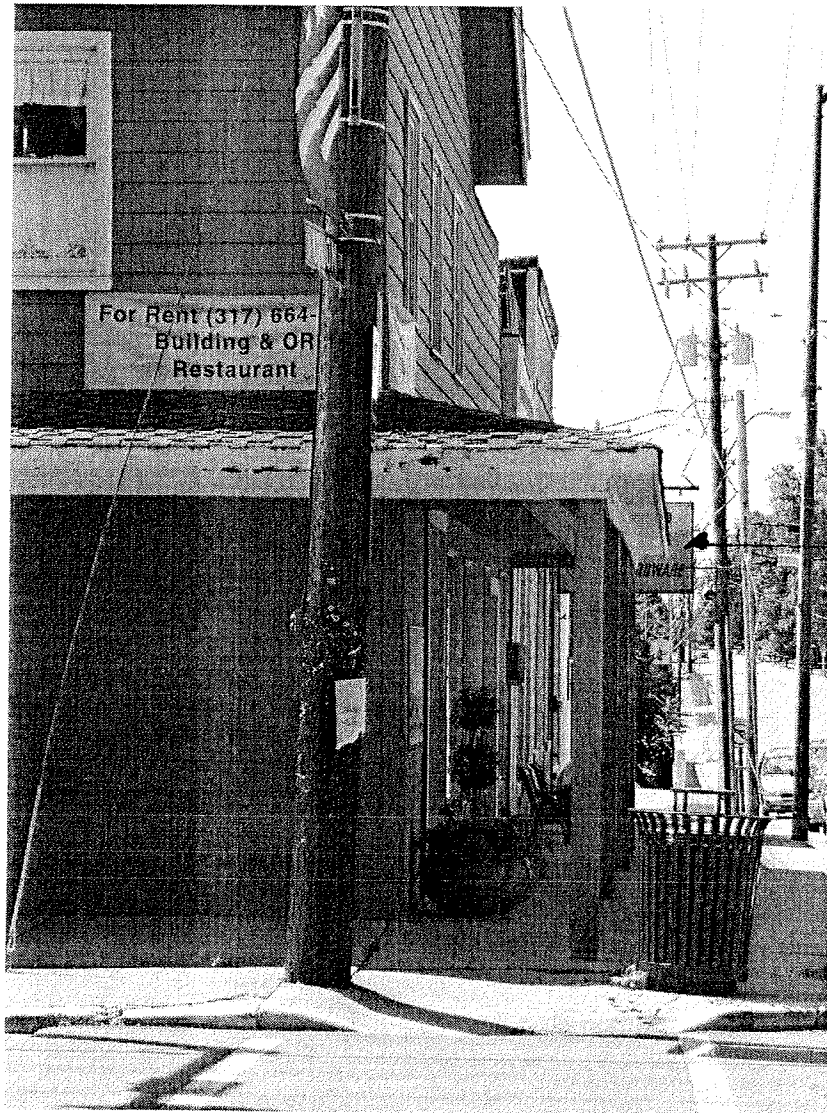


North bound on Union Street at Jersey Street, subject property 200' ahead.



East bound vehicle stopped at Union Street light, subject property in background.

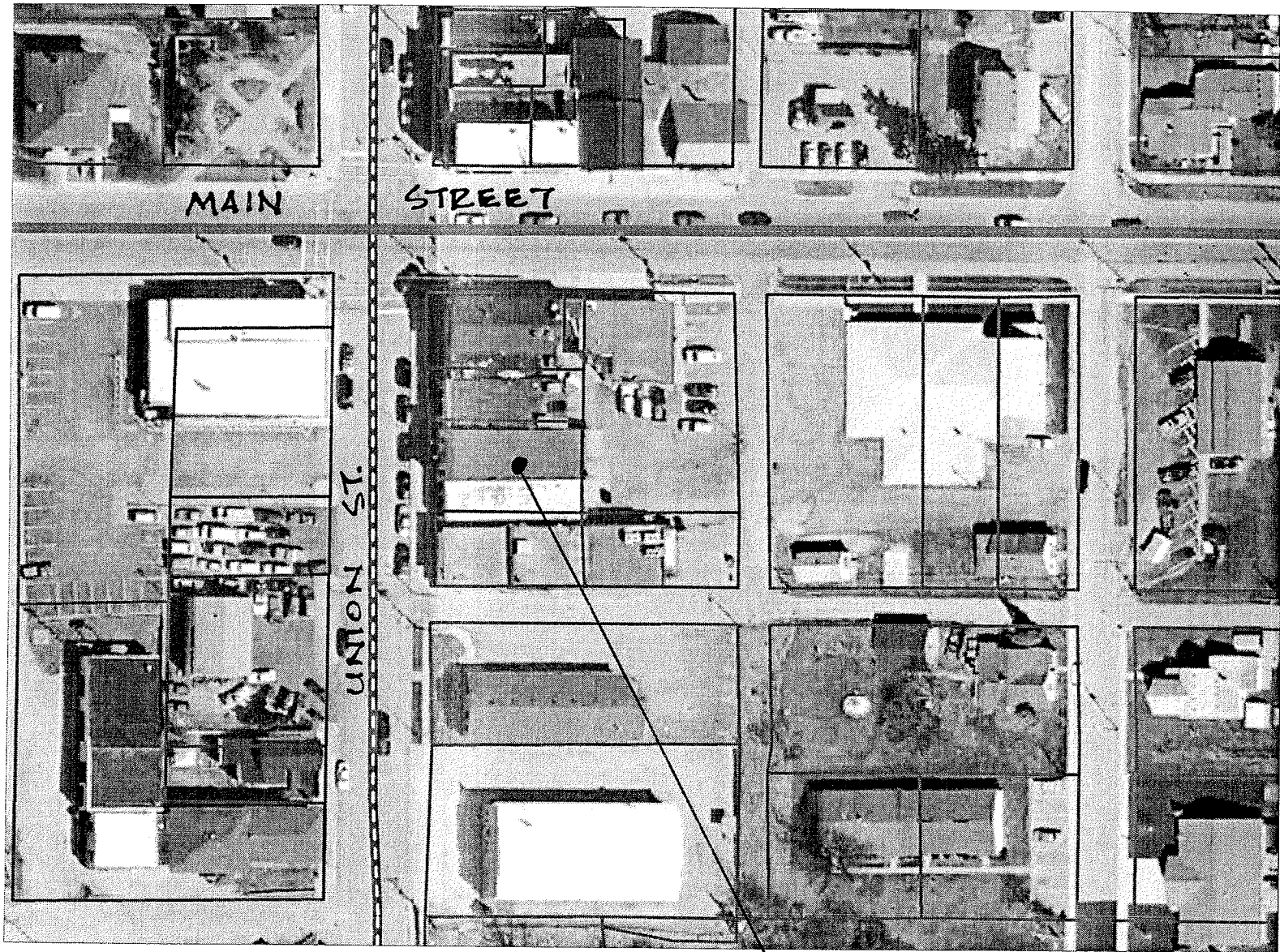




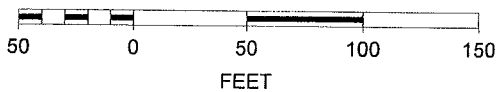
View from northeast corner of US 32—  
18" sign would be totally obstructed by roofline.  
Could be dangerous for people trying to  
Identify Kelties in this high-traffic area.



# Kelties



SCALE 1 : 1,000



— SUBJECT PROPERTY



existing "Keweenaw"  
sign.

brown, to  
match trim on  
building

brown

cream background

NOTES:

- replace plastic inserts as shown
- paint frame and bracket
- existing sign 48" x 72"

PROPOSE SIGN CHANGE  
110 S. Union St.  
WESTFIELD, N.J.

building face

